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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,911	08/21/2000	Mitsunori Okagaki	6822/62934	7492
7590 11/16/2005			EXAMINER	
William E Pelton Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036			YANG, RYAN R	
			ART UNIT	PAPER NUMBER
			2672	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/642,911

Applicant(s)

OKAGAKI, MITSUNORI

Examiner

Ryan R. Yang

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 2 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/12/2005 has been entered.
2. This action is responsive to communications: Amendment, filed on 8/12/2005. This action is final.
3. Claims 1 and 2 are pending in this application. Claims 1 and 2 are independent claims. In the Amendment, filed on 8/12/2005, claims 1 and 2 were amended.
4. This application is a Continuation of PCT/JP99/07248 dated 12/22/1999.
5. The present title of the invention is "Communication terminal" as filed originally.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "plurality of hardware keys each of which is operated to select a corresponding one of the plurality of options not currently displayed on said display unit " in line 6-8. There is insufficient antecedent basis for this limitation in the claim.

Examiner cannot find a section in the specification that teaches this feature.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arcuri et al. (6,121,968), and further in view of Sudo et al. (5,987,336).

As per claim 1, Arcuri et al., hereinafter Arcuri, discloses a communication terminal comprising:

a display unit which displays an original selection screen for selecting at least one of a plurality of options (Figure 2A, item 100);

display control means which causes display of the plurality of options on said display unit by division (Figure 1, item 36 is the application program; Figure 2A is a short menu and Figure 2B is a long menu, when an option is not listed in the short menu the user can expand to long menu; additional menu can be added at the bottom of the expanded long list (column 10, line 40-41); in this case, a user is looking for the option "Ruler"); and

plurality of hardware keys each of which is operated to select a corresponding one of the plurality of options not currently displayed on said display unit (Figure 2C where a cursor is used to select "Ruler");

said display control means causing, when an option not currently displayed has been selected, display of a screen associated with said selected option on said display

Art Unit: 2672

unit and causing when next displaying said original selection screen by operating one of said plurality of hardware keys, display of a screen that includes an indication of the selected option (Figure 2D, when the menu is returned to the short list, the "Ruler" option is included).

Arcuri discloses a method of selecting options. It is noted that the selection means does not explicitly disclose selection using hardware keys each of which is operated to select a corresponding one of options on said display unit, however, this is known in the art as taught by Sudo et al., hereinafter Sudo. Sudo discloses a method of selecting options in which selection is made by inputting address numbers or alphabets, such as "1" to "9" (column 11, 30-37).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Sudo into Arcuri because discloses a method of selecting options and Sudo disclose selection can be made by directly inputting corresponding keys in order to quickly selecting a desired option.

Allowable Subject Matter

9. The following is a statement of reasons for the indication of allowable subject matter:

As per claim 2, the closest prior art by Arcuri et al. does not explicitly disclose "when an option not currently displayed has been selected, display of a screen associated with said selected option on said display unit and causing display of said selected option in reverse when displaying said original selection screen next by operating said key".

Response to Arguments

10. Applicant's arguments, see Amendment, filed 8/12/2005, with respect to the rejection(s) of claim(s) 1 under Arcuri et al. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Arcuri et al. and further in view of Sudo et al. (5,987,336). ,

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Inquiries

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan R Yang whose telephone number is (571) 272-7666. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ryan Yang
Primary Examiner
November 11, 2005